

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MALIK ABD'AL-MALIK, et al.,

Plaintiffs,

-against-

THE CITY OF NEW YORK

Defendant.
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**STIPULATION OF
SETTLEMENT AND
ORDER OF
DISMISSAL**

02 Civ.1367 (WHP)(FM)

WHEREAS, plaintiffs commenced this action by filing a complaint on or about February 21, 2002, alleging that defendants violated plaintiffs' federal civil and state common law rights; and

WHEREAS, plaintiffs filed a Fourth Amended Complaint on or about April 29, 2003, the parties to which are incorporated by reference herein; and

WHEREAS, on or about November 27, 2006 plaintiffs voluntarily withdrew all claims against individual defendants Rudolph Giuliani, Joseph Esposito, George Grasso, Alan Hoehl, Bernard Kerik and Howard Safir, with prejudice; and

WHEREAS, defendant City, the only remaining defendant, has denied any and all liability arising out of plaintiffs' allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as to the plaintiffs Rui Dias, Malik Abd'al Malik, Gladys Pena Acosta, Luis Garden Acosta, Vincente Alba, Jane Bai,

Fr. Luis Barrios, Miguel Marrero Bermudez, Alejandro Cantagallo, Juan Cartagena, Rosa Clemente, Rosa Cruz-Cordero, Ramon Jimenez, Nilda Laguer, Lillian Lifflander, Eugenio Maldonado, Angelines Maria Alba Mata, Jose Melendez, Rosaura Mendez, Lionel Oullette, Lillian Rivera, John Rodriguez, Cleo Silvers, Arnaldo Simo, Eric Tang, Edwin Delgado, Franklin Flores, Camila Gelpi-Acosta, Irmарilis Gonzalez-Torres, Jose Henriquez, James Mendieta, Roberto Mercado, Ydanis Rodriguez, Edwin Santiago and Carlos Viteri with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraphs “2” through “4” below.

2. Defendant City of New York hereby agrees to pay plaintiffs Rui Dias, Gladys Pena Acosta, Vincente Alba, Jane Bai, Miguel Marrero Bermudez, Alejandro Cantagallo, Juan Cartagena, Rosa Clemente, Rosa Cruz-Cordero, Ramon Jimenez, Nilda Laguer, Eugenio Maldonado, Angelines Maria Alba Mata, Jose Melendez, Rosaura Mendez, Lionel Oullette, Lillian Rivera, John Rodriguez, Cleo Silvers, Eric Tang, Edwin Delgado, Franklin Flores, Camila Gelpi-Acosta, Irmарilis Gonzalez-Torres, Jose Henriquez, James Mendieta, Roberto Mercado, Ydanis Rodriguez, Edwin Santiago and Carlos Viteri Fifteen Thousand (\$15,000.00) Dollars each in full satisfaction of all claims, including all claims for costs, expenses and attorneys’ fees.

3. Defendant City of New York hereby agrees to pay plaintiffs Malik Abd’al Malik, Luis Garden Acosta, Fr. Luis Barrios, Lillian Lifflander and Arnaldo Simo Twenty-Two Thousand Five Hundred (\$22,500.00) Dollars each in full satisfaction of all claims, including all claims for costs, expenses and attorneys’ fees.

4. Defendant City of New York hereby agrees to pay plaintiffs Rui Dias, Gladys Pena Acosta, Vincente Alba, Jane Bai, Miguel Marrero Bermudez, Alejandro Cantagallo,

Juan Cartagena, Rosa Clemente, Rosa Cruz-Cordero, Ramon Jimenez, Nilda Laguer, Eugenio Maldonado, Angelines Maria Alba Mata, Jose Melendez, Rosaura Mendez, Lionel Oullette, Lillian Rivera, John Rodriguez, Cleo Silvers, Eric Tang, Edwin Delgado, Franklin Flores, Camila Gelpi-Acosta, Irmарilis Gonzalez-Torres, Jose Henriquez, James Mendieta, Roberto Mercado, Ydanis Rodriguez, Edwin Santiago, Carlos Viteri, Malik Abd'al Malik, Luis Garden Acosta, Fr. Luis Barrios, Lillian Lifflander and Arnaldo Simo the combined sum of Three Hundred and Fifty Thousand (\$350,000.00) Dollars, to be paid directly to Alan Levine and Martin Stolar, attorneys, for costs, expenses, and attorneys' fees, in full satisfaction of all claims, including all claims for costs, expenses and attorneys' fees.

5. In consideration for the payment of these sums, plaintiffs agree to dismissal of all the claims against defendant City of New York and to release the defendant and any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

6. Plaintiffs Rui Dias, Malik Abd'al Malik, Gladys Pena Acosta, Luis Garden Acosta, Vincente Alba, Jane Bai, Fr. Luis Barrios, Miguel Marrero Bermudez, Alejandro Cantagallo, Juan Cartagena, Rosa Clemente, Rosa Cruz-Cordero, Ramon Jimenez, Nilda Laguer, Lillian Lifflander, Eugenio Maldonado, Angelines Maria Alba Mata, Jose Melendez, Rosaura Mendez, Lionel Oullette, Lillian Rivera, John Rodriguez, Cleo Silvers, Arnaldo Simo, Eric Tang, Edwin Delgado, Franklin Flores, Camila Gelpi-Acosta, Irmарilis Gonzalez-Torres, Jose Henriquez, James Mendieta, Roberto Mercado, Ydanis Rodriguez, Edwin Santiago and Carlos Viteri shall execute and deliver to defendants all documents necessary to effect this settlement,

including, without limitation, General Releases based on the terms of paragraphs “2” through “5” above and Affidavits of No Liens and/or Affidavits Concerning Liens.

7. Nothing contained herein shall be deemed to be an admission by the defendant that it has in any manner or way violated plaintiffs’ rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

8. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

9. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
March 24, 2008


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SO ORDERED:


U.S.D.J.